

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ALBERT L. SACCOMANO,</p> <p>v.</p> <p>Respondent:</p> <p>ADAMS COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Albert L. Saccomano Address: 7451 North Washington Street Denver, CO 80229 Phone Number: (303) 288-8025 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 38455</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on December 20, 2001, Debra A. Baumbach and Karen E. Hart presiding. Petitioner appeared pro se. Respondent was represented by Michelle L. Bennett, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**BEG AT SE COR SEC 6 TH W 420/58 FT M/LT H N 849 FT TH W
28/5 FT TH N TO A PT 330 FT S OF N LN SE4 SE 4 SD SEC TH E
TO A PT ON E LN SD SEC TH S TO POB EXC RDS AND EXC
PARC 6/3/6 (Adams County Schedule No. R0102011)**

Petitioner is protesting the 2001 actual value of the subject property, a 6.83 acre tract of land with a fair quality, frame constructed dwelling, built in 1922 and consisting of 1,074 square feet, located in unincorporated Adams County.

ISSUES:

Petitioner:

Petitioner contends that the subject property is in poor condition. He believes the property is not worth the assigned value due to its current condition. The house has no value to the property, and the land cannot be developed without substantial dirt work to obtain sewer service.

Respondent:

Respondent contends that the subject property has been correctly valued as residential property, using sales of similar properties similarly situated, occurring during the proper base period.

FINDINGS OF FACT:

1. Mr. Albert L. Saccomano, Petitioner, presented the appeal on his own behalf.
2. Based on the assessor's previous assigned value, Petitioner presented an indicated value of \$72,580.00 for the subject property.
3. Petitioner testified that he was denied a zoning proposal for developing the property in 1974. There is a problem with obtaining a water and sewer tap for his property. The tap can only be located at the south end of his property, and he must mediate the sewer flow rate by doing earthwork to decrease the property slope.
4. Mr. Saccomano testified that the county caused the drainage and sanitation tap problem due to the Hidden Lake channel capital improvement project. The project diverted drainage past his property.
5. Mr. Saccomano testified that his house is in poor condition, and the foundation is crumbling. It is pieced together; some of the construction is block, some is frame. There is no basement and no entrance to the attic. His house is valued as a three-bedroom, but it is only a two-bedroom.
6. Under cross-examination, Mr. Saccomano testified that the subject is a rental property and the house is currently rented. The house is on a sewer system.
7. Upon questioning by the Board, Mr. Saccomano testified that the state caused the sanitation tap problem when they retrenched Hidden Lake. The land would require more work to be developed. It would be very costly for a sanitation tap. The house would have to be removed if the land were developed. He does not feel the house has any value to the land; in fact, it is a detriment.
8. Petitioner is requesting a 2001 actual value of \$72,580.00 for the subject property.

9. Respondent's witness, Mr. Dominic P. Mailo, a Registered Appraiser with the Adams County Assessor's Office, presented an indicated value of \$92,133.00 for the subject property based on the market approach.

10. Respondent's witness presented three comparable sales ranging in sales price from \$71,500.00 to \$93,375.00, and in size from 672 to 854 square feet. After adjustments were made, the sales ranged from \$139,835.00 to \$170,996.00.

11. Mr. Mailo testified that he was one of the original appraisers that viewed the subject property four years ago. The property is valued according to its current use: residential. For ad valorem tax purposes, he must value the property according to its current use, not a highest and best use or future use. The subject property house is in badly worn, poor condition. There is no garage. It is being valued as a two-bedroom, one-bathroom dwelling.

12. Mr. Mailo testified that the subject property was valued according to the market approach. There were few sales of acreages with homes; therefore, he looked at sales of residential properties located in subdivisions, as well as a sale that was adjacent to the subject. He chose three sales that were similar in size and were ranch-style dwellings.

13. Comparable Sale 1 is located down the street from the subject, but is located in a residential subdivision rather than an acreage. The house is similar in size, has a garage, has an inferior location, and is a better quality home. The site is smaller.

14. Comparable Sale 2 is inferior in location, quality, and condition. The house has a much smaller living area and a finished basement. The site is smaller in size. There is a one-car garage.

15. Mr. Mailo testified that the most important comparable is the vacant land sale, which is adjacent to the subject property. There were two houses located on the property, one that has since been demolished. The comparable is smaller in land size. After extracting the residential improvement value, he divided the sales price by the square footage of the property. The indicated land value is \$.85 per square foot. The subject property land value is \$.17 per square foot, using the same methodology.

16. Under cross-examination, Mr. Mailo admitted that he had not been inside the comparable properties. Comparable Sale 2 is being resided, and major improvements have been made to the property since the sale. The comparables were in fair condition at the time of sale.

17. In redirect testimony, Mr. Mailo reiterated that the subject property is being valued as improved residential property. Each of the comparables has a site land value of \$20,000.00. The subject land value is \$50,000.00. He pointed out that Petitioner has no supporting documentation for his requested value.

18. Under cross-examination, Mr. Mailo testified that the subject property land is not damaged. He feels that the comparable sales support the subject value, even without consideration of the subject property's larger land size.

19. Upon questioning by the Board, Mr. Mailo testified regarding the location of the comparables. He admitted that the condition adjustment was in error, and the correct adjusted sales range is \$129,835.00 to \$160,996.00. He was not sure what time adjustment factor was used. The comparables' neighborhoods are similar to the subject. Comparable 2 was probably in fair condition at the time of sale

20. Respondent assigned an actual value of \$92,130.00 to the subject property for tax year 2001.

CONCLUSIONS:

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2001.

2. Petitioner testified at great length about the difficulties he has encountered in attempting to develop the subject property, and the affect such difficulties have on the subject's value. However, for ad valorem taxes purposes, Colorado Revised Statutes require that only the current use of the property should be considered, not some future use.

3. Petitioner presented no market evidence or sales to support an adjustment of the subject property value based on its current residential use.

4. Respondent properly classified the subject property as residential property, and valued the property using the market approach to value as required by statute. Respondent recognized the poor condition of the dwelling and made adequate adjustments to the comparable sales. However, the Board determined that Respondent's comparable land value adjustment was incorrect and reduced the adjustment to \$30,000.00 for each comparable. The resulting value range was \$110,935.00 to \$142,246.00, which is still greater than the assigned value.

5. After careful consideration of all presented evidence and testimony, the Board affirms Respondent's assigned value of \$92,130.00.

ORDER:

The petition is denied.

APPEAL:

Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

DATED and MAILED this 18th day of January, 2002.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

Karen E. Hart

Karen E. Hart

This decision was put on the record

JAN 18 2002

I hereby certify that this is a true
and correct copy of the decision of
the Board of Assessment Appeals.

Diane Von Dollen

Diane Von Dollen



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